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EXAMINER

GELIN, JEAN ALLAND

ART UNIT PAPER NUMBER

2617

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/687,410

Applicant(s)

TARBOURIECH, PHILIPPE

Examiner

Jean A. Gelin

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 June 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 30-41 and 52-65 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 30-42, 52-54, 56, 59-61 and 63 is/are rejected.
- 7) Claim(s) 55, 57, 58, 62, 64 and 65 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

1. This is in response to the Applicant's arguments and amendments filed on June 26, 2006 in which claims 30 and 32 have been amended; claims 52-61 have been added. Claims 30-42 and 52-61 are currently pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 30-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaneko (US 6,389,271).

Regarding claim 30, Kaneko teaches apparatus for determining the frequency to which a broadcast receiver is tuned (fig. 1), comprising: a controller (20), an active frequency detection module operably connected to said controller (i.e., selecting mode according to frequency order, col. 4, lines 1-35, highest frequency is considered as active), a passive frequency detection module operably connected to said controller, and an activation button operably connected to said controller (i.e., selecting mode according to frequency order, col. 4, lines 1-35, lowest frequency is considered as passive), wherein depression of said activation button activates said controller; wherein, upon such activation of said controller (col. 4, lines 1-5), said controller operates a predetermined one of said active frequency detection module or said passive frequency

detection module to determine the frequency to which said broadcast receiver is tuned; and, wherein, if no frequency is determined, said controller operates the other of said frequency detection modules to determine the frequency to which said broadcast receiver is tuned (col. 4, lines 1-34).

Regarding claim 31, Kaneko teaches a timing device operably connected to said controller and a memory operably connected to said controller, wherein upon activation of said controller, said controller stores in said memory a time value from said timing device and the frequency to which said broadcast receiver is tuned (col. 4, line 35 to col. 5, line 30).

Regarding claim 32, Kaneko teaches wherein said controller stores at least one preset carrier frequency, and wherein said controller operates a predetermined one of said active frequency detection module or said passive frequency detection module to determine whether said preset carrier frequency is the frequency to which said broadcast receiver is tuned; and wherein if no match is determined, said controller operates the other of said frequency detection modules to determine whether said preset carrier frequency is the frequency to which said broadcast receiver is tuned (col. 4, line 1 to col. 5, line 30).

Regarding claim 33, Kaneko teaches wherein, if no matching preset carrier frequency is detected, said controller scans the entire broadcast band to detect the frequency to which said broadcast receiver is tuned (col. 4, lines 1-62).

Regarding claim 34, Kaneko teaches a timing device operably connected to said controller; wherein, upon activation by a user, said controller stores the time value of said timing device (col. 2, lines 44-67).

Regarding claim 35, Kaneko teaches wherein, upon said activation, said controller resets said timing device (col. 4, lines 35-67).

4. Claims 52-54, 56, 59-61, and 63 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaneko (US 6,389,271).

Regarding claim 52, Young teaches method for determining a frequency to which a broadcast receiver is tuned (page 10, lines 1-9) comprising the steps of: emitting a first radio signal on a first frequency; receiving an audio signal from a broadcast receiver (pages 9-10); and determining if the received audio signal includes a first audio signal corresponding to the first emitted radio signal (pages 9-10).

Regarding claim 53, Young teaches if the received audio signal includes the first audio signal corresponding to the first emitted radio signal, logging the first frequency (pages 14-15).

Regarding claims 54, 60, and 61, Young teaches logging a time corresponding to the emission of the first radio signal (pages 14-15).

Regarding claim 56, Young teaches receiving an activation signal; and wherein the steps of emitting the first radio signal (pages 9-10), receiving an audio signal, and determining if the received audio signal corresponds to the first emitted radio signal are made responsive to receipt of the activation signal (pages 8-11).

Regarding claims 59, 63, Young teaches method for determining a frequency receiver is tuned comprising the steps of receiving a manual activation signal (pages 8-10); receiving a first radio signal on a first frequency; corresponding receiving an audio signal from a broadcast receiver (pages 8-10); and determining if the received audio signal includes a to the first received radio signal to which a broadcast first audio signal (pages 8-10).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 36-38 and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (WO 91/11062) in view of Kaneko (US 6,389,271).

Regarding claim 36, Young teaches apparatus (18) for determining the frequency to which a broadcast receiver is tuned (i.e., RMD determined the station to which the receiver is tuned, page 10, lines 2-9), comprising (fig. 1): a controller (44), an active frequency detection module operably connected to said controller, wherein said active frequency detection module (58) comprises a transmitter for transmitting a signal over a carrier frequency to the receiver (page 10, lines 10-18); and, means for detecting whether the receiver output corresponds to said signal (page 9, lines 3-25); a passive frequency detection module operably connected to said controller (scanner frequency),

Art Unit: 2617

wherein said active frequency detection module comprises means for receiving the first demodulated signal from the receiver; means for receiving said first modulated signal in the modulated domain and producing a second demodulated signal in the demodulated domain (i.e., microphone picks up sound emanating from receiver, page 6, lines 15-17); and means, coupled to each of the receiving means, for detecting a correlation between the first demodulated signal and the second demodulated signal (i.e., comparing output signals of radio receive and scanning receiver, page 7, lines 1-5); and an activation button (i.e., manual input 38) operably connected to said controller (fig. 1), wherein depression of said activation button activates said controller (fig. 1 item 38).

Young does not specifically teach said controller operates a predetermined one of said active frequency detection module or said passive frequency detection module to detect the frequency to which said broadcast receiver is tuned; and, wherein, if no frequency is detected, said controller operates the other of said frequency detection modules to detect the frequency to which said broadcast receiver is tuned.

However, the preceding limitation is known in the art of communications. Young teaches various selection modes to select frequency order of program type, checking whether or not a program type of the highest receiving frequency program is found in the first line of the data table, if no scanning for the next one and so on (col. 4, lines 1-34). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Kaneko within the system of Young in order to listen to a desired program without necessity to remember a name or a

frequency of the broadcasting station by providing a receiver by which a user can select a program based on the program itself.

Regarding claim 37, Young in view of Kaneko teaches all the limitations above. Young further teaches wherein said means for receiving a modulated signal and producing a second demodulated signal, demodulates said first signal with respect to a range of frequencies (i.e., scanning receiver receives signals generated by various station, page 6, lines 18-20, page 7, line 5-21).

Regarding claim 38, Young in view of Kaneko teaches all the limitations above. Young further teaches means for selectively tuning said means for receiving said first modulated signal (i.e., controller 44 generates signals for causing scanning receiver to scan particular spectrum of broadcast frequencies, page 7, lines 14-21).

Regarding claim 40, Young in view of Kaneko teaches all the limitations above. Kaneko further teaches a timing device operably connected to said controller; wherein, upon activation by a user, said controller stores the time value of said timing device (col. 4, line 35 to col. 5, line 18).

Regarding claim 41, Young in view of Kaneko teaches all the limitations above. Kaneko further teaches wherein, upon said activation, said controller resets said timing device (col. 4, lines 34-67).

Regarding claim 42, Young in view of Kaneko teaches all the limitations above. Young further teaches buffer memory operably connected to said controller, said memory storing physical parameter data (col. 4, lines 34-67).

Art Unit: 2617

7. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (WO 91/11062) in view of Kaneko (US 6,389,271) further in view of Leveque (US 5,058,202).

Regarding claim 39, Young in view of Kaneko teaches all the limitations above except wherein said means for detecting a correlation between the first demodulated signal and the second demodulated signal comprises means for isolating a plurality of tones in said first demodulated signal and said second demodulated signal.

However, the preceding limitation is known in the art of communications. Leveque teaches isolating the tone in a combined signal (col. 1, line 66 to col. 2, line 10). Therefore it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Leveque within the system of Young and Kaneko in order that the control tone is isolated from the remainder of the Lincomplex demodulator input by the bandpass filter and demodulated by the frequency discriminator to extract its instantaneous frequency.

Allowable Subject Matter

8. Claims 55, 57, 58, 62, 64, and 65 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments filed 6/26/06 have been fully considered but they are not persuasive.

The Applicant argues that since Kaneko's microcomputer is operable to select the frequency to which the tuner is tuned, there is no reason for Kaneko to use an active frequency detection module or passive frequency detection module to determine the frequency to which said broadcast receiver is tuned. The Applicant further argues that the examiner has not shown Kaneko to disclose "if no frequency is detected, said controller operates the other of said frequency detection modules to detect the frequency to which said broadcast receiver is tuned"

However, the Examiner disagrees with the preceding arguments. Kaneko teaches, prior to select a program, a frequency or broadcast station has to be selected; Kaneko further teaches selecting a frequency mode according to selection frequency order; selecting a mode for program type of the highest receiving frequency program (corresponding to program for active frequency); selecting a frequency mode for program type of the next highest receiving frequency; if there is no program (a program corresponds to a frequency selection) for the candidate, then the selection is performed returning to the initially selected program, i.e., different modes are selected based on frequency order (col. 1, lines 35-50, col. 2, lines 50-67, and cols. 3-4).

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JEAN GELIN
PRIMARY EXAMINER

JGelin
September 20, 2006

